

ग्रसाधारण

EXTRAORDINARY

भाग Ш---खण्ड 2

PART H-Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई विल्ली, शक्षार, जुन 25, 1971/माषाढ़ 4, 1893

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NEW DELHI, FRIDAY, JUNE 25, 1971/ASADHA 4, 1893

इस भाग में भिन्न पुष्ठ संख्या वी जाती है जिस से कि यह ग्रलग संकलन के रूप में रक्षा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 25th June, 1971:--

BILL No. 75 CF 1971

A Bill turiner to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:-

1. This Act may be called the Constitution (Amendment) Act, 1971. Short

2. In article 124 of the Constitution, after clause 1, the following clause Amendshall be inserted, namely:-

ment of article 124

"(IA) The senior most Judge of the Supreme Court of India shall be the Chief Justice of India."

STATEMENT OF OBJECTS AND REASONS

The objects of this constitutional amendment is to ensure the independence and impartiality of the Supreme Court of India. The present constitutional position gives the Government an unlimited power in appointment of the Chief Justice of India. This power may undermine the independence and impartiality of highest organ of the Judiciary as the Government can fill the vacancies by appointing persons sharing their political views. Therefore, the amendment provides that only the senior most Judge of the Supreme Court becomes the Chief Justice of India. This amendment is only a codification of the convention and practice that has been followed since the adoption of the Constitution in 1950.

New Delhi; The 20th May, 1971. ATAL BIHARI VAJPAYEE.

BILL No. 74 of 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the керublic of India as follows:---

1. This Act may be called the Constitution (Amendment) Act, 1971. Short

title.

2. In article 124 of the Constitution, after the first proviso to clause Amend-(2), the following further provisos shall be inserted, namely: -

ment of article

"Provided further that the senior most Judge of the Supreme 124. Court shall be appointed as the Chief Justice:

Provided further that no one shall be appointed the Chief Justice who has not served for at least two years as a Judge of the Supreme Court:"

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not lay down any procedure for the appointment of the Chief Justice of the Supreme Court, though the Constitution is clear regarding the procedure of the appointment of other Judges of the Supreme Court. Any citizen of India who has been a Judge of a High Court or of two or more such courts for five years or has been an advocate of a High Court or of two or more such Courts for at least ten years and is considered by the President as a distinguished jurist is eligible for such appointment. The appointment of the Chief Justice of the Supreme Court is within the discretionary power of the President who acts on the advice of the Council of Ministers. It is, therefore, high time that the procedure for the appointment of the Chief Justice of the Supreme Court is laid down.

Hence this Bill.

New Delhi; The 21st May, 1971. P. K. DEO.

BILL No. 79 of 1971

A Bill further to amend the Constitution of India.

Br it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Constitution (Amendment) 1971.

Act, Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- 2. After article 24 of the Constitution, the following new articles shall Insertion be inserted, namely:-

of new articles 24A and 24B.

RIGHT TO WORK

Right to

24A. (1) Every citizen who is more than eighteen years of age, shall work and have the right to work.

subsistence allowance.

(2) It shall be the duty of the State to provide subsistence allowance to a citizen who remains deprived of the right to get suitable work as referred to in clause (1).

RIGHT TO EDUCATION

Right to 24B. (1) All students upto the age of eighteen years shall have the education. right to free education.

> (2) Education shall be compulsory for all children upto the age of fourteen years.

STATEMENT OF OBJECTS AND REASONS

Article 41 of the Constitution inter alia provides that the State shall make effective provision for securing the right to work and assistance in the case of unemployment. Although right to work is one of the Directive Principles, yet it neither serves the purpose nor the desired objective is achieved. That is why Government has been able to deprive the citizens of the guarantee to work. This Bill provides that every citizen who is more than eighteen years of age shall have the right to work, failing which it shall be the duty of the State to provide subsistence allowance to him.

Article 45 of the Constitution provides for free and compulsory education for children upto the age of fourteen years. But this provision is rather inadequate particularly for building a bright future for the children of a developing nation. Hence a provision has been proposed for raising the age limit for free education to eighteen years.

NEW DELHI;

LAXMINARAIN PANDEY.

The 25th May, 1971.

FINANCIAL MEMORANDUM

The Bill seeks to provide for the grant of subsistence allowance to all citizens above the age of eighteen years who remain deprived of the right to work. It is estimated that this will entail annual expenditure of fifty crores of rupees from the Consolidated Fund of India in respect of Union territories. Similarly, ten crores of rupees approximately shall have to be spent annually for the Union territories on free education to children upto the age of eighteen years. No non-recurring expenditure is involved. Expenditure in respect of the States will be met by the State Governments.

S. L. SHAKDHER, Secretary.